

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.606(b)
Table of Allotments
TV Broadcast Stations
Willits, California

)
)
) MM Docket No. 93-142
) RM-8208
)
)

To the Commission
STOP CODE 1800D5

REPLY COMMENTS OF KTVU, INC.

KTVU, Inc., licensee of Television Station KTVU, Oakland, California, by its attorneys, submits herewith its Reply Comments in the above-captioned proceeding on the request of Granite Broadcasting Corporation and its subsidiary, KNTV, Inc., licensee of Television Station KNTV(TV), San Jose, California ["Petitioners"] that channel 11 at Willits, California, be deleted.

Introduction

Petitioners' request that the Commission delete Channel 11 at Willits is premised upon their claims that the seismic instability of KNTV(TV)'s present transmitter site mandates its relocation and that a northerly relocation is the only feasible move. KTVU's initial comments clearly demonstrated the fallacies in these claims.

Briefly, its experts demonstrated that seismic concerns are greater, not less, at sites to the north of KNTV(TV)'s present site. They also established that the

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possibility of future earthquake damage could be effectively addressed through means other than the proposed channel deletion, such as relocation to an alternative site to the south or reinforcement of KNTV's existing facilities. KTVU's Comments further showed that the "provisionally" proposed channel deletion would impede established allocations goals.

Petitioners' Comments do not strengthen their speculative claims of seismic instability, nor do they demonstrate the lack of suitable sites which would not require Channel 11's deletion. Moreover, the affirmative expression of interest in that Channel clearly bars its deletion.

**The Affirmative Expression of Interest in Channel 11
at Willits Bars its Deletion**

The Commission has consistently refused to delete a channel in the face of an affirmative expression of interest in its use.^{1/} In Comments filed herein, William H. and Ronna L. Sauro expressed an interest in activating the channel when it becomes available for use.^{2/}

^{1/} See, e.g., Montrose and Scranton, Pennsylvania, 68 RR 2d 702 (1990); Fond du Lac and Sheboygan, Wisconsin, 55 RR 2d, 592, 594 (1984); LaSalle and Pontiac, Michigan, 53 RR 2d 392 (1983); Martin and Salversville, Kentucky, 50 RR 2d 502 (1981); Snow Hill and Kingston, NC, 55 FCC 2d 769 (1975); Red Oak, Iowa, 46 RR 2d 502 (1981).

^{2/} The channel is currently subject to the ATV Freeze. See Order, Advanced Television Systems and Their Impact on (continued...)

Commission precedent thus demands that this expression of interest bar the proposed channel deletion.

Petitioners' Seismic Claims Remain Unproven

KTVU's initial Comments demonstrated that Petitioners' concerns about seismic instability, premised upon conclusions of an admitted non-expert, were misplaced, noting that seismic instability would increase at sites to the north of KNTV(TV)'s present location. Petitioners' Comments reiterate and expand upon their initially-expressed concerns, but again, rely on the conclusions of the same individual, who reaffirms that he is not an expert on the subject of his testimony. As such, Petitioners' showing does not provide any basis for Commission action herein.

By contrast, appended hereto is additional information from acknowledged experts in their field^{3/} which confirms KTVU's Comments. The Crouse Statement reflects expert review of the five alternative sites KNTV(TV) has proposed and concludes that "...the ground-motion seismic hazard at the five alternative sites is comparable and possibly slightly greater than the ground-motion hazard at KNTV's present tower location at Loma

2/ (...continued)
the Existing Television Service, 52 Fed. Reg. 28346 (July 29, 1987).

3/ Statement of C. B. Crouse, Consulting Engineer ["Crouse Statement"]; Statement of Robert L. Hammett, Consulting Engineer ["Hammett Statement"].

Prieta Peak." In other words, the proposed relocation which Petitioners seek to facilitate through this rulemaking would not alleviate and might well exacerbate the likelihood of damage associated with an earthquake. Petitioners' proffered public interest justification for their request is thus contradicted by qualified expert opinion.

There are Alternative Sites which Would Not
Require Modification of the Table of Allotments

KTVU's initial Comments described at least one alternative site which KNTV(TV) could use without requiring deletion of Channel 11 at Willits. The Hammett Statement confirms that use of the existing KSBW transmitter site would permit KNTV to serve San Jose in full compliance with the requirements of Section 73.685(a) of the Commission's Rules. It also notes that "[t]here are numerous other potential sites located along a ridge close to an existing road between KSBW and KNTV, any one of which could provide comparable service to San Jose with an appropriate tower height." In such circumstances, it is clear that there is no compelling need to delete Channel 11 at Willits.

Conclusion

The expression of interest in Channel 11 at Willits means that Petitioners must make an extraordinarily compelling showing of the public interest need for its deletion. Their showing falls far short of this standard. Their claims as to the seismic instability of KNTV(TV)'s

present site are unproven and contradicted by expert testimony which shows that possible seismic problems will increase if the station's site is moved north. Their related claims concerning the lack of suitable sites which

ENGINEERING STATEMENT

KTVU, INC.
TV STATION KTVU
CHANNEL 2
OAKLAND, CALIFORNIA
ENGINEERING EXHIBIT IN SUPPORT OF
REPLY COMMENTS IN
MM DOCKET 93-142

July 30, 1993



HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
SAN FRANCISCO

**MM DOCKET 93-142, RM-8208
PROPOSED DELETION OF CHANNEL 11 ALLOCATION
WILLITS, CALIFORNIA**

STATEMENT OF ROBERT L. HAMMETT, CONSULTING ENGINEER

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by KTVU, Inc., licensee of TV Station KTVU, Channel 2, Oakland, California, to review the engineering aspects of the comments of Granite Broadcasting Corporation and KNTV, Inc. ("Granite") dated July 19, 1993, in MM Docket 93-142.

ALTERNATIVE KNTV SITES SOUTH OF LOMA PRIETA

As explained in detail in our engineering statement dated July 16, 1993, with attached exhibits from recognized experts in seismological engineering and structural engineering, any potential future earthquake hazards do not require relocating the KNTV transmitting facilities. Our earlier engineering statement also pointed out that if, for some other reason, Granite wished to relocate the KNTV transmitting facilities, it could do so toward the south without requiring the deletion of Channel 11 at Willits. We pointed out, as an example of such a southern site, the existing site of TV Station KSBW, Channel 8, Salinas, California, from which essentially all of San Jose could be served.


We have now determined the population in the city of San Jose that would be served by the 77 dBu contour from an operation at or near the KSBW tower with 172 kilowatts of effective radiated power and an antenna height of 971 meters above average terrain. Our population study

MM DOCKET 93-142, RM-8208
PROPOSED DELETION OF CHANNEL 11 ALLOCATION
WILLITS, CALIFORNIA

alternative sites towards the south would be potentially usable by KNTV, although we reiterate our opinion that there is no technical requirement to relocate from the existing KNTV site.

SITES NORTH OF LOMA PRIETA SUGGESTED BY GRANITE

The comments of Granite dated July 19, 1993, suggested five different sites to relocate KNTV north of Loma Prieta. The exhibits prepared by the Granite engineer are not specific as to the exact location of these sites (latitude and longitude) or the tower height which would be used at each site or the effective radiated power. These sites are located about 5 to 8 kilometers northwest of the existing KNTV site. As shown by the attached statement of Dr. C. B. Crouse, these northern sites would, from a seismological standpoint, all be similar or worse than the existing KNTV site. From a television coverage standpoint, any of these sites would be expected to provide improved service toward the north and reduced service toward the south, thus providing more television service to the already-well-served regions of the Bay Area and less service to the rural areas south of San Jose. In the absence of specific proposals by Granite it is not possible to quantify the effect of such a move on the coverage of KNTV. Granite concedes that any of the five sites it suggested would require the deletion of Channel 11 from Willits.


Robert L. Hammett, P.E.

July 30, 1993



AFFIDAVIT

State of California

County of San Mateo

ss:

Robert L. Hammett, being first duly sworn upon oath, deposes and says:

1. That he is a qualified Registered Professional Engineer, holds California Registration No. E-007601 which expires September 30, 1994, is also registered in the District of Columbia, and is a consultant to the firm of Hammett & Edison, Inc., Consulting Engineers, with offices located near the city of San Francisco, California,



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**STATEMENT OF C. B. CROUSE, CONSULTING ENGINEER,
IN CONNECTION WITH MM DOCKET 93-142**

I, C. B. Crouse, declare the following:

1. I have been retained by Hammett & Edison, Inc. to review (a) the seismic hazard of the five sites KNTV has identified as the least short-spaced possible alternative sites to the present KNTV site at Loma Prieta peak, and (b) the Declaration of Richard E. Hammond contained in the comments in Support of Notice of Proposed Rule Making filed with the FCC on July 19, 1993 by Akin, Gump, Strauss, Hauer & Feld, L.L.P. on behalf of Granite Broadcasting Corporation and KNTV, Inc.
2. My qualifications to perform this review were provided in the Engineering Exhibit in Support of Comments to MM Docket 93-142. That exhibit was part of the Comments of UTV of San Francisco, Inc. and KGO Television, Inc. filed with the FCC on July 19, 1993.
3. I reviewed available publications and maps dealing with the seismic hazard in the region of the five alternative sites and discussed some of this information with Jim Hengesh, geologist in the Dames & Moore San Francisco office.
4. Based on my review studies, I conclude that the ground-motion seismic hazard at the five alternative sites is comparable and possibly slightly greater than the ground-motion hazard at KNTV's present tower location at Loma Prieta peak. Furthermore, during the next 30 years (the assumed remaining life of the present tower), the likelihood of ground failure due to ground cracking, fissures, slumping, landslides or surface fault rupture is considered to be low at Loma Prieta peak and at the five alternative sites. The reasons for my conclusions in this paragraph are provided in the following paragraphs.
5. The five alternative sites are located approximately 5 to 9 km northwest of Loma Prieta peak and therefore are approximately 5 to 9 km closer to the San Francisco Peninsula segment of the San Andreas fault. As explained in Paragraph 13 of my July 14, 1993 declaration, which was part of the aforementioned submittal to the FCC dated July 19, 1993, this segment of the San Andreas fault is estimated to have a relatively high probability (0.23) of a magnitude $M=7$ earthquake during the 30-year period 1990 to 2020. I also explained in that paragraph that (a) the 1989 earthquake was coincident with

the Santa Cruz Mountain segment of the San Andreas fault, which is the segment closest to Loma Prieta peak and the five alternative sites, and (b) in 1988 the probability of a $M \sim 6.5$ on this segment during the 30-year period 1988-2018 was estimated to be 30 percent by The Working Group in California Probabilities, but shortly after the 1989 event the same group estimated that the probability of a $M=7$ event on this segment was now negligible during the 30-year period 1990-2020. Therefore, because the five alternative sites are closer to the location of the next likely major earthquake on the San Andreas fault in the Bay area, I conclude that the ground-motion hazard from this fault is slightly greater at these sites than at Loma Prieta peak. Considering all faults in the area, the ground-motion hazard at the five sites is at least comparable to the ground-motion hazard at the Loma Prieta peak, which is located within the Sargent fault zone. Moving away from the Sargent fault zone to any of the five alternative sites is not judged to be sufficient to offset the increased ground-motion hazard at these sites from the San Francisco Peninsula segment of the San Andreas fault.

6. As explained in Paragraphs 14 and 15 of my July 14, 1993 declaration, Loma Prieta peak probably experienced ground accelerations on the order of 0.5g or greater during the 1989 earthquake, and yet no ground failure was observed at Loma Prieta peak during this intense shaking. These ground accelerations are considered unlikely to reoccur at this location during the assumed 30-year remaining life of the KNTV tower. Thus, the probability of earthquake ground motions inducing ground failures at Loma Prieta peak during the next 30 years is also small. A similar argument can be made for the five alternative sites. These sites also probably experienced strong ground motion greater than 0.4g (see Attachment G of my July 14, 1993 declaration), but ground failures were not observed at any of these sites with the exception of alternative site B where minor ground fissures and small landslides were documented in the immediate vicinity of this site (Ref. 1). If the San Francisco Peninsula segment of the San Andreas fault generates a $M=7$ earthquake, these five sites will experience stronger ground motions than will Loma Prieta peak, but the motions probably will be smaller than the motions they experienced during the 1989 event. It is also unlikely during the next 30 years that another regional fault will produce an earthquake capable of generating ground motions stronger than those the sites experienced during the 1989 event. Therefore, the probability of ground failures at these sites is also considered small during this period.




Statement of C. B. Crouse Consulting Engineer,
In Connection with MM Docket 93-142

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7. The Loma Prieta peak is within the Sargent fault zone (See Attachments B and C of my July 14, 1993 declaration). According to Attachment D and Reference 3 of my July 14, 1993 declaration, the Sargent fault is designated as a Holocene fault, which means that it has shown evidence of movement within the last 10,000 years. Alternative sites A, B, C, and D are in close proximity to the Soda Springs fault which is designated as a Pre-Quaternary fault (i.e., a fault showing evidence of no displacement during approximately the last 2 million years or a fault without recognized displacement in this time period). Alternative site E is approximately 1 km from the Berrocal fault zone, which has shown evidence of movement during the last 2 million years. Although the Sargent fault appears to have moved more recently than the Soda Springs or Berrocal faults, the probability of significant surface fault rupture at either the Loma Prieta peak or the five alternative sites is estimated to be small during the next 30 years because the probability is small during this period that any of the three faults will generate a large earthquake capable of producing significant surface fault rupture that would adversely affect the sites. Many other faults in the Bay area are more likely to generate large earthquakes during the next 30 years. These faults include the aforementioned San Francisco Peninsula segment of the San Andreas fault, the northern and southern segments of the Hayward fault, and Rodgers Creek fault (see Attachment F of my July 14, 1993 declaration).
8. I declare that the foregoing is true to the best of my knowledge and belief.

July 29, 1993


C. B. Crouse, P.E.



**Statement of C. B. Crouse Consulting Engineer,
In Connection with MM Docket 93-142**

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REFERENCES

1. Manson, M.W. et al, 1992, Landslides and other Geologic Features in the Santa Cruz Mountains, California, resulting from the Loma Prieta Earthquake of October 17, 1989: California Department of Conservation, DMG Open-File Report 91-05.

CERTIFICATE OF SERVICE

This will certify that a complete copy of the foregoing "Comments of KTVU, Inc." was sent this 3rd day of August, 1993, via first class United States mail, postage prepaid, to the following:

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